

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8321 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Babul Das, Son of Santosh Das,
2. Santosh Das, Son of Late Baso Das,
3. Kameshwar Das. Son of Bihari Das
4. Vikash Das, Son of Kameshwar Das
All are Residents of Village Bhagwatpur, Tole Baraipura, P.S- Sarai Ranjan,
District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Praveen, Advocate
For the State	:	Mrs.Sucheta Yadav, APP
For the Informant	:	Mr. Bijay Bhushan Prasad, Advocate
		Ms. Rani Shashi Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Sarairanjan P.S. Case No. 190 of 2023 (arising out of Complaint Case No. 1098/2023) registered for the alleged offences under Sections 302, 201, 120B, 387, 166A, 167, 506, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners came to the doors of the informant and abused her son and demanded extortion. When the son of the complainant/informant opposed, he was abducted on the motorcycle of the petitioner no.1 by the petitioners, who assaulted the son of the complaint/informant



with brick causing fracture of his head. Thereafter, the petitioners left the injured son of the complainant/informant on road, who died after undergoing treatment of seven days.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The true fact of the case is that the petitioners and the informant are co-villagers and on the date of occurrence, the son of the informant requested the petitioner no.1 to allow him to drive his motorcycle and while the motorcycle was being driven by the son of the informant, it met with an accident after colliding with cement pillar and the son of the informant sustained head injuries. The son of the informant was treated in a private hospital where he was taken by his father, who furnished certain undertakings before the said private hospital which shows it was a case of accident. During treatment, the son of the informant succumbed to his injuries. The learned counsel further submits that the occurrence took place on 25.03.2023 and at that time no complaint was made and the present complaint case has been lodged after more than three months on 06.06.2023. During investigation, no co-villagers supported the prosecution case and everybody stated before the investigating officer that the son of the informant died on a road accident and



the complaint/informant at the instance of the persons of vested interest lodged the false and concocted case with ulterior motive. The learned counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. The learned counsel for the informant submits that the delay in lodging the complaint case has been explained in the petition itself. The complainant/informant has even made the SHO as an accused in the present case since he came in collusion with the petitioners and was not lodging the FIR. The learned counsel further submits that it is a case of extortion and murder. The learned counsel further submits that the doctor, who examined the son of the informant, did not report the occurrence to the police. However, learned counsel concedes that the son of the informant was treated in a private hospital, documents of which have been annexed with the petition. The learned counsel further submits that though the SHO has been made an accused, he entrusted the matter to some other person to investigate the matter and the investigation was under his supervision and so the investigation cannot be relied.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of allegation and further considering the strong possibility of false implication in the light of documents attached regarding the treatment of the son of the complainant/informant, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Samastipur, in connection with Sarairanjan P.S. Case No. 190 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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